

Message Text

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C O N F I D E N T I A L OTTAWA 0495

POUCHED TO ALL CONSULS IN CANADA

E.O. 11652: GDS

TAGS: PBOR, CGEN, CA

SUBJECT: POSSIBLE APPROACH TO CONGEN TORONTO REGARDING ONTARION POLICE

INVESTIGATIONS IN US

REF: OTTAWA 4067

1. THE TORONTO GLOBE AND MAIL PUBLISHED FRONT-PAGE STORY JANUARY 28 ON DIRECTIVE SENT BY SOLICITOR GENERAL WARREN ALLMAND LAST SEPTEMBER INFORMING ALL PROVINCIAL GOVERNMENTS THAT, ACCORDING TO US FEDERAL LAW, STATE DEPARTMENT APPROVAL IS REQUIRED FOR ALL INVESTIGATIONS IN US CONDUCTED BY FOREIGN POLICE AUTHORITIES.

2. ALLMAND'S DIRECTIVE, ISSUED IN RESPONSE TO LAST YEAR'S "HOT PURSUIT" BORDER INCIDENTS (SEE REFTTEL), SAID THAT THE RCMP LIAISON OFFICE IN WASHINGTON HAD BEEN INSTRUCTED TO "COOPERATE" WITH CANADIAN LOCAL AND PROVINCIAL POLICE DEPARTMENTS BY TRANSMITTING THEIR REQUESTS TO US/STATE DEPT.
COMPLETE TEXT OF DIRECTIVE FOLLOWS BY SEPTTEL.

3. TORONTO GLOBE AND MAIL INTERVIEWS WITH POLICE AUTHORITIES IN ONTARIO MADE CLEAR THAT ALLMAND'S DIRECTIVE WAS NOT WELL-RECEIVED. THE ONTARIO PRO-
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VINCIAL POLICE REPORTEDLY OFTEN IGNORE IT ON GROUNDS THAT

THEIR INVESTIGATIONS ARE ALWAYS CONDUCTED IN CLOSE COOPERATION WITH LOCAL US AUTHORITIES, WHO DO ACTUAL QUESTIONING OF SUSPECTS ETC. LOCAL POLICE IN NIAGARA AND WINDSOR REGIONS CLAIMED NO KNOWLEDGE OF DIRECTIVE BUT TOLD PRESS IT WOULD BE HARD TO FOLLOW BECAUSE OF FREQUENT NEED TO ENTER US ON SHORT NOTICE AND UN-NECESSARY BECAUSE OF EXCELLENT WORKING ARRANGEMENT WITH US POLICE ACROSS BORDER. ALLMAND'S DIRECTIVE EMPHASIZED, HOWEVER, THAT NOTIFICATION OF US STATE DEPARTMENT MUST BE CONSIDERED MANDATORY AND "DIRECT LIAISON WITH LOCAL AUTHORITIES CANNOT BE CONSIDERED AS SUFFICIENT AUTHORITY TO ENTER THE USA."

4. COMMENT: ALLMAND'S BLUNTLY-WORDED DIRECTIVE HAS CAUSED CONSIDERABLE RESENTMENT AMONG ONTARIO POLICE, WHO ARE LOATHE TO THE US INVESTIGATIONS CLEARED THROUGH TRADITIONAL RCMP RIVALS. CONTACTS OF EMBASSY LEGAL ATTACHE SUGGEST THAT ONTARIO PROVINCIAL POLICE LEAKED DIRECTIVE TO PRESS AND MAY, TOGETHER WITH METRO TORONTO POLICE, APPROACH CONGEN TORONTO IN NEAR FUTURE TO INQUIRE IF DIRECT NOTIFICATION OF CONSULATE WOULD FULFILL REQUIREMENTS OF US LAW FOR INVESTIGATIONS ACROSS BORDER. DEPARTMENT MAY WISH TO CONSIDER IF SUCH PROCEDURE WOULD BE ACCEPTABLE TO US AND HOW IT WOULD AFFECT CONGEN WORKLOAD. ONE MAY ASSUME THAT LOCAL POLICE IN OTHER PROVINCES MIGHT SEEK ARRANGEMENTS WITH RESPECTIVE US CONSULATES IF ONTARIO PROCEDURE IS APPROVED.
JOHNSON

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